

**Senate Bill No. 1835**

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Passed the Senate August 23, 2006

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*Secretary of the Senate*

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Passed the Assembly August 21, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 44013 to the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1835, Florez. Solid waste facilities permit: local initiative.

The existing California Integrated Waste Management Act of 1989 prohibits a person from operating a solid waste facility without a solid waste facilities permit if that facility is required to have a permit. The existing Permit Streamlining Act requires a public agency to approve or disapprove a development project within a specified schedule.

This bill would prohibit an enforcement agency, as defined, from determining that a solid waste facilities permit application is complete, and would prohibit an application being deemed complete, pursuant to the Permit Streamlining Act, and would prohibit an enforcement agency from proposing, submitting to the California Integrated Waste Management Board, or issuing, and the board from accepting or concurring in, a solid waste facilities permit, for a solid waste facility approved by a local initiative measure, unless specified conditions are met.

The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 44013 is added to the Public Resources Code, to read:

44013. Notwithstanding subdivision (d) of Section 44009, or any other provision of this division, the enforcement agency shall not determine that a solid waste facilities permit application is complete pursuant to Section 65943 of the Government Code, nor shall an application be deemed complete pursuant to that section, and the enforcement agency shall not propose, submit to the board, or issue, and the board shall not accept nor concur in, a solid waste facilities permit, for a solid waste facility approved

by a local initiative, unless all of the following conditions are met:

(a) The solid waste facility is consistent with local, state, and federal law, including, but not limited to, local planning, zoning, conditional use permit, countywide siting element, and other requirements.

(b) The solid waste facility has received all permits required to commence operations from all local, state, and federal agencies having jurisdiction, including, but not limited to, the governing body of the applicable city or county, the appropriate California regional water quality control board, and the air pollution control district or the air quality management district.

(c) The solid waste facilities permit application and the proposed solid waste facilities permit are accompanied by certifications from the agencies having jurisdiction that the solid waste facility has received all permits specified in subdivision (b).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect public health and safety and the environment, it is necessary for this act to take effect immediately.

Approved \_\_\_\_\_, 2006

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*Governor*